IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 530 (SS) of 2007

Jeetandra Kumar,
S/o Sri Shiv Avtar Singh,
R/o Mohalla – Natha Singh Jaspur,
Tehsil – jaspur,
District – Udham Singh Nagar. **……Petitioner.**

Versus

1. State of Uttarakhand through Secretary Education (Basic) Uttarakhand, Dehradun.
2. Director Basic Education Uttarakhand Dehradun
3. Basic Shiksha Adhikari, District – Udham Singh Nagar Uttarakhand.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri M. C. Bansal, learned counsel for the petitioner and Sri H. M. Raturi, learned Standing Counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage.

From perusal of records, it appears that petitioner, who is D. P. Ed., has applied for appointment on the post of Assistant Teacher *suo moto.* He was not appointed on the post of Assistant Teacher, as the application of petitioner was not clear whether he wants appointment in Primary School or in Junior High School.

From perusal of impugned order, it appears that petitioner has sought appointment on the post of Assistant Teacher (Physical Education) in Junior High School and there is no post of Assistant Teacher (Physical Education) in Junior

High School, as such, appointment was not provided to the petitioner.

Earlier petitioner has filed writ petition no. 1920 (SS) of 2005 before this court. The writ petition was disposed of by the court with a direction to the respondents to decide the representation of the petitioner. The said representation was decided by the authorities on 10.03.2006. The petitioner has sought modification of order dated 10.03.2006.

I do not find any illegality in the order dated 10.032006, by which the representation of the petitioner has been rejected. However, in case, in near future applications are invited for the post for which petitioner is eligible the petitioner may apply for the post and the authorities may consider the candidature of the petitioner, if he is eligible to be appointed on that post, in accordance with law.

With this direction, writ petition as well as stay application no. nil of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 17, 2007
SKSHARMA